

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ADVANCE MAGAZINE
PUBLISHERS, INC.,

Plaintiff,

v.

Case No: 2:20-cv-193-SPC-NPM

CHIC USA, INC.,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation. ([Doc. 13](#)). Judge Mizell recommends granting Plaintiff's Motion for Default Judgment and Permanent Injunction. Neither party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge Mizell’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Motion for Default Judgment and Permanent Injunction ([Doc. 11](#))

is **GRANTED** as follows:

- a. Final judgment is entered in favor of Conde Nast and against Chic on Counts I, II, III, IV, V, VI, and VIII.

- b. Count VII is **DISMISSED**.

- c. A permanent injunction is entered enjoining Chic USA, Inc. as follows:


- i. That Chic USA and its officers, directors, agents, servants, employees, and all persons in active concert and participation with them, are required to immediately cease any use and are permanently enjoined from directly or indirectly using Condé Nast’s VOGUE marks, or any other mark, word, designation, name, or domain name that is similar to Condé Nast’s VOGUE marks as part of any trademark, service mark, trade name, corporate name, or assumed name; or on the Internet in any domain name, title, description, keyword, source code, tag, banner, link, and any other use for the purpose of

directing Internet traffic; or in social media; or in any other manner that is likely to cause confusion or mistake or to deceive.

- ii. That Chic USA, Inc. is ordered to deliver up for destruction within thirty (30) days all products, literature, signs, labels, tags, prints, packages, wrappers, containers, fabrics, advertising materials, stationery, and any other items in Defendant's possession or control that bear Condé Nast's VOGUE marks, or any other mark, word, designation, name, or domain name that is similar to Condé Nast's VOGUE marks, and that Defendant be ordered to deliver up for destruction within thirty (30) days all plates, molds, matrices, masters, and other means of producing or applying the prohibited marks.

2. The Clerk shall enter judgment accordingly, terminate all remaining deadlines and motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on February 19, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record